In the High Court of Punjab and Haryana at Chandigarh.

CR No.6414 of 2007
Date of decision:13.12.2007.

Chander Shekher and another ... Petitioners

Versus

Hari Chand and others ... Respondents.

Present: Ms.K K Kahlon, Advocate, for the petitioners.

--

PERMOD KOHLI, J. (ORAL):

This revision is directed against the order dated 14.11.2007 passed by the learned Additional Civil Judge (Senior Division), Balachaur, rejecting the application of the petitioners for additional evidence by way of eliciting answers to the interrogatories sought to be served to the District Kanungo, Nawanshehar and District Kanungo, Hoshiarpur. This application was opposed by the other side.

It has been recorded in the impugned order that the applicant-plaintiff was allowed to lead evidence and on conclusion of the evidence, the same was closed. Thereafter, the case was fixed for rebuttal evidence of the respondents. However, at that stage, the present application was filed under Section 151 of the CPC. The trial Court has recorded that the plea raised in the application regarding the ownership of the property is not supported by any documentary evidence. The applicant has not placed copies of the jamabhandis on record. Thus, mere interrogatories to the witnesses, will not serve any purpose. The learned trial Court has also

noticed that the guardian of the plaintiffs, has made statement regarding the ownership of the property, though no revenue record has been produced. It has been, accordingly, observed that the serving of interrogatories upon the opposite side, will be of no use. It is further observed that the persons, upon whom the petitioners want to serve the interrogatories, have not been shown in the list of witnesses filed in the Court. Since no document of title is on record, oral statement of the official witnesses will be of no avail to the petitioners.

In view of the above, I do not find any fault with the impugned order. This revision petition is hereby dismissed with no order as to costs.

13.12.2007 (PERMOD KOHLI)
BLS JUDGE